

C. For the purpose of applying this article to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Pub. L. No. 101-73, 12 U.S.C. Section 1811 et seq.), a disinterested director or officer of an insured depository institution may not be held personally liable in an action seeking monetary damages brought by the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, or any other federal banking regulatory agency as provided by 12 U.S.C. Section 1821(k) unless the damages arise from the gross negligence or wilful or intentional misconduct of the officer or director during the officer's or director's term of office with the insured depository institution. A director or officer is disinterested with respect to a decision or transaction if the decision or transaction does not involve:

- (1) personal profit for the director or officer by dealing with the insured depository institution or usurping an opportunity of the institution;*
- (2) buying or selling assets of the insured depository institution;*
- (3) dealing with another insured depository institution or a corporation or other entity in which the director or officer:*
 - (A) is also a director or officer; or*
 - (B) has a significant financial interest; or*
 - (4) dealing with a family member of the director or officer.*

D. In this article, "insured depository institution" has the meaning assigned by 12 U.S.C. Section 1813(c).

SECTION 2. This Act is not intended to change existing law regarding the personal liability of a director or officer of an insured depository institution but is a clarification of the law in effect immediately before the effective date of this Act regarding those matters. This Act applies to an action brought by a federal regulatory agency under 12 U.S.C. Section 1821(k) against a director or officer of an insured depository institution, regardless of whether the action was filed before, on, or after the effective date of this Act, unless the action was finally adjudicated by a court of competent jurisdiction before the effective date of this Act.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 25, 1993, by a non-record vote; passed by the Senate on April 21, 1993: Yeas 29, Nays 0, 1 present, not voting.

Filed without signature May 5, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.

CHAPTER 90

H.B. No. 109

AN ACT

relating to the election of a special district judge by the practicing lawyers of the court.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 24.003(d), Government Code, is repealed.

SECTION 2. Section 24.005, Government Code, is repealed.

SECTION 3. Section 24.115(f), Government Code, is repealed.

SECTION 4. Section 24.006(a), Government Code, is amended to read as follows:

(a) This section applies to payment of salary to:

(1) a special judge commissioned by the governor as provided by Article V, Section 11, of the Texas Constitution; and

(2) a special judge agreed on by the parties as provided by Section 24.004[;—and
~~(3) a special judge elected by the practicing lawyers as provided by Section 24.005].~~

SECTION 5. Section 24.112(f), Government Code, is amended to read as follows:

(f) The judge of each district court may take the same vacation as the other district court judges of Harris County at any time during the year. During the judge's vacation, the court term remains open, and the judge of any other district court may hold court during the judge's vacation. ~~[The practicing lawyers of the court may not elect a special judge as provided by Section 24.005 because of the absence of the judge on vacation unless another district court judge is not in the county.]~~ The judges of the district courts shall, by agreement among themselves, take their vacations alternately so that there are at all times at least six district court judges in the county.

SECTION 6. Section 24.139(i), Government Code, is amended to read as follows:

(i) The judge of each district court may take a vacation at any time during the year. During a judge's vacation, the court term remains open, and the judge of any other district court may hold court during the judge's vacation. ~~[The practicing lawyers of the court may not elect a special judge because of the absence of the judge on vacation unless a Bexar County district judge is not present in the county.]~~ The judges of the district courts shall, by agreement among themselves, take their vacations so that there are district court judges in the county at all times.

SECTION 7. This Act applies only to the election of a special district judge on or after the effective date of this Act. The election of a special district judge as provided by Section 24.003(d), 24.005, 24.112(f), or 24.115(f), Government Code, before the effective date of this Act is governed by the law as it existed at the time of the election, and that law is continued in effect for that purpose. Unless otherwise removed, the special district judge continues to serve as special district judge during the absence, failure, or inability of the judge for whom the special district judge is serving.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 25, 1993, by a non-record vote; passed by the Senate on April 21, 1993: Yeas 30, Nays 0.

Approved May 4, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.

CHAPTER 91

H.B. No. 753

AN ACT

relating to the duties of the district attorney for the 31st Judicial District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 43.117, Government Code, is amended to read as follows:

Sec. 43.117. 31ST JUDICIAL DISTRICT. ~~(a)~~ The voters of the 31st Judicial District elect a district attorney.

~~[(b) The district attorney also represents the state in all criminal cases before the County Court of Roberts County.]~~

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be